

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

No. C 10-03561 WHA

Plaintiff,

v.

GOOGLE INC.,

**ORDER REGARDING  
PROPOSED ASSIGNMENT  
ORDER FOR RULE 706 EXPERT**

Defendant.


The proposed order regarding the assignment for the Rule 706 expert (Dkt. No. 393) is acknowledged. The parties are requested to submit a revised version of the proposed order in accordance with the following guidance.

*First*, precise deadlines should be set for the completion of Dr. Kearl's expert report and deposition. As stated in the August 30 order appointing Dr. Kearl, his assignment should be planned such that it can be completed by early December in preparation for a possible damages trial at that time. Allowing a nebulous "reasonable period of time" for completion of those tasks would risk undue delay. The Court may consider altering the deadlines for Dr. Kearl's report and deposition in light of future case developments, but in the meantime a workable schedule must be established and followed.

*Second*, Dr. Kearl's role as a Rule 706 expert will be to inform *the jury* on the issue of damages, *not to advise the Court*. The assignment order should not make reference to Dr. Kearl assisting the Court.

*Third*, counsel are requested to proofread the proposed order carefully and correct all typographical errors such as missing words.

**IT IS SO ORDERED.**

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE